S.B. Cr. Revision Petition No.10/2006
Hazi Mohd.
Vs
State of Rajasthan & Ors.

DATE OF ORDER : 8.2.2007

HON'BLE JUSTICE SHRI G.S. SARRAF

Shri PR Choudhary,for the petitioner.
Shri S.N. Tiwari, Public Prosecutor.
Shri BS Rathore, for the respondents nos. 2 & 3.

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This revision petition is directed against the order dated 26.10.2005 of Sessions Judge, Jodhpur by which he has held that sufficient grounds are not there to make out a case against the respondents nos. 2 and 3 under Section 308/34 IPC and, therefore, he has transferred the case to Chief Judicial Magistrate, Jodhpur for framing charges and for trial in accordance with law.

Heard learned counsel for the petitioner, learned Public Prosecutor and learned counsel for the respondents nos.2 and 3.

There are three injuries on the body of the injured Bagdu Khan as per his injury report. Injuries nos. 1 and 2 are on right parietal region and both have been found to be simple after X ray. Injury no.3 is a fracture of clavicle bone and is, therefore, grievous. The doctor has opined that injuries nos. 1 and 2 are

dangerous to life. The opinion of doctor is not gospel truth. How, in this case, simple injuries can be dangerous to life? There is thus not sufficient ground for presuming that the respondents nos. 2 and 3 have committed an offence under Section 308/34 IPC. I am, therefore, of the opinion that no error or illegality has been committed by the learned Sessions Judge by transferring the case to Chief Judicial Magistrate, Jodhpur under Section 228 Cr.P.C. There is no ground for interference.

The revision petition, therefore, stands dismissed at admission stage.

(G.S. SARRAF), J.

cpgoyal/-